

JAN 18 2008

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

DEWI SARI KASIM,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney
General,

Respondent.

No. 04-71406

Agency No. A77-354-312

MEMORANDUM^{*}

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted January 14, 2008^{**}

Before: HALL, O'SCANNLAIN and PAEZ, Circuit Judges.

Dewi Sari Kasim, a native and citizen of Indonesia, petitions for review of the Board of Immigration Appeals' ("BIA") decision, summarily affirming an Immigration Judge's ("IJ") order denying her application for asylum, withholding

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

of removal and relief under the Convention Against Torture (“CAT”). We have jurisdiction under 8 U.S.C. § 1252.

We review for substantial evidence adverse credibility findings. *See Farah v. Ashcroft*, 348 F.3d 1153, 1156 (9th Cir. 2003). When the BIA adopts the IJ’s credibility determination, we examine the IJ’s reasons for deeming the person not credible. *Id.*

The adverse credibility determination is not supported by substantial evidence. To the extent that the IJ identified inconsistencies, they were minor or did not go the heart of the claim. *See Singh v. Ashcroft*, 367 F.3d 1139, 1143 (9th Cir. 2004). Because the adverse credibility determination was not supported by substantial evidence, we remand to the BIA for further proceedings. *See INS v. Ventura*, 537 U.S. 12, 16 (2002) (per curiam).

In the opening brief, Kasim failed to raise, and therefore has waived, any challenge to the IJ’s determination that she is ineligible for CAT relief. *See Martinez-Serrano v. INS*, 94 F.3d 1256, 1259 (9th Cir. 1996).

PETITION FOR REVIEW GRANTED and REMANDED.